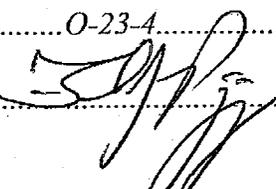


THE CITY OF WARWICK
STATE OF RHODE ISLAND

APPENDIX A
ZONING

No. 0-23-4 Date 2-28-23
 Approved  Mayor

AN ORDINANCE AMENDING APPENDIX A, ZONING ORDINANCE OF THE CITY OF WARWICK TO DEFINE, ESTABLISH AND CLASSIFY DISTRICTS, CREATE ADMINISTRATIVE PROCEDURES FOR SHORT-TERM RENTAL USE OF RESIDENTIAL DWELLING UNITS, AND PROVIDE SUPPLEMENTARY REGULATIONS FOR THE SHORT-TERM RENTAL OF DWELLING UNITS.
CITY OF WARWICK, PETITIONER

Be it ordained by the City of Warwick:

Section I. Appendix A, Zoning Section 200 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

Bedroom. A room defined as a bedroom in accordance with applicable building code regulations as determined by the Building Official.

Dwelling unit. A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and containing a separate means of ingress and egress.

Short-term rental of dwelling unit. The lease or other contractual arrangement for the occupation of a dwelling unit for thirty-one (31) consecutive days or less; provided, however, that this term does not include an extension, including a month-to-month extension, granted without an intervening period of non-occupancy to tenant currently occupying the premises under a written lease for a term of more than thirty-one (31) days.

Section II. Appendix A, Zoning Section 300, Table 1 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

Zoning Districts	OS	A-40	A-15	A-10	A-7	O	WB	GB	LI	GI	Inter-modal	Gateway	Village District
<u>110. Short-term rental of dwelling unit</u>	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes

Section III. Appendix A, Zoning Section 500 of the Code of Ordinances of the City of Warwick is hereby amended by adding thereto the following:

510. – Regulation of short- term rental of dwelling units.

It is the intent of this subsection to protect the public health, safety and welfare of the City

by regulating short term rental of dwelling units in the City.

Short-term rental of dwelling units in Warwick shall be regulated to minimize the potential for noise, congestion, pollution, and disorderly behavior involving tenants and other persons on and near the premises, as well as violations of City Ordinances, including the Zoning and Noise Ordinances and violations of various Rhode Island General Laws.

The City of Warwick finds that, by application of the regulatory framework contained herein, the short-term rental of dwelling units can have a positive effect on the health, safety and welfare of the community by providing a flexible housing stock that allows travelers safe accommodations while contributing to the local economy, including historic preservation.

510.1. *Applicability.* The provisions of this subsection shall apply to all residential property within the City of Warwick except hotels, motels, and community residences. Short term rentals with a valid registration shall not be considered a hotel or motel as defined by this ordinance.

510.2. *Prohibitions.* The following dwelling units are not eligible to be offered for short-term rental:

- (A) Accessory family dwelling units.
- (B) Accessory structures.
- (C) Dwelling units that have been designated as “affordable” or are otherwise below market rate, such as those units that are subject to housing or rental assistance and/or deed restrictions.
- (D) Dwelling units subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a short-term rental.
- (E) Dwelling units that are subject to two (2) or more violations of any municipal Ordinance or state law or regulation in a twelve-month period related to excessive noise, improper disposal of trash, disorderly conduct, parking, or any other nuisance behavior.
- (F) Dwelling units that are subject to any outstanding building, sanitary, fire, zoning, or property maintenance code violations.
- (G) Dwelling units on properties where weddings or other special events are occurring.

510.3. *Short-term rental of dwelling units.* Short-term rental of dwelling units shall be permitted by right in certain zoning districts as presented in Table 1, provided that any dwelling unit utilized for short-term rental must satisfy the following performance standards:

- (A) Must comply with the City’s Short-Term Rental Registration.
- (B) The Property owner must submit an affidavit to the Zoning Enforcement Officer indicating that dwelling unit is to be utilized as a short-term rental.

510.4. *Registration and inspection required; permit.*

- (A) Each owner of a short-term rental property shall designate on a registration form filed under this chapter a local representative whose physical address of their primary residence is within fifty (50) miles of the registered short-term rental property to serve as the local representative. The local representative shall be a natural person with access and authority to assume management of the short-term rental property and take remedial measures. The owner may, if qualified as established herein, designate themselves as the local representative.

(B) The owner or local representative shall obtain a short-term rental permit in accordance with Section 510.6 and 510.7.

(C) If a dwelling unit is offered on an online hosting platform for tourist or transient use, it shall be registered by the record property owner or local representative thereof with the Rhode Island Department of Business Regulation before any tenant occupies the premises.

(D) After applying for the short-term rental permit, the dwelling unit shall be subject to annual inspection by the Building Official or his/her designee and the Fire Marshal. The purpose of the inspection is to determine the occupancy limit of the unit pursuant to subsection 510.8, to determine if smoke and CO detectors are installed in compliance with the State Fire Code, as amended, for dwelling units and to determine the number of off-street and on-street parking spaces available. The Building Official or his/her designee shall issue a short-term rental permit stating the maximum occupancy for the dwelling unit.

510.5. Short-term rental permit registration form. The short-term rental permit registration form shall indicate the Tax Assessor's plat and lot number, address of the short-term rental dwelling unit, the number of short-term rental dwelling units therein, the name, permanent mailing address and telephone number of the record owner and any local representative, and the usual period of occupancy by tenants (monthly, weekly or other). Copies of the permit registration form, with 24/7 contact information, will be held on file by the Warwick Police and Fire Departments.

510.6. Filing date; term. On or before December 31 of each year, the record owner of the rental dwelling unit shall file the completed short-term rental permit registration form with the Building Official or his/her designee, which shall be valid for a one-year period from January 1 to December 31 of the following year. If the property is registered during the calendar year, the permit shall be valid until December 31 of that same year.

510.7. Permit registration fee. There shall be a permit registration fee of \$250 per year for each dwelling unit covered under the provisions of this subsection.

510.8. Occupancy limits and parking requirements.

(A) The maximum occupancy for the dwelling unit shall be two (2) persons per bedroom. The number of bedrooms for occupancy purposes shall not exceed the number of bedrooms supported by the design load of the property's septic system (on-site wastewater treatment system, or "OWTS"). The owner shall provide records and/or information that the Building Official or his/her designee deems reasonably sufficient to determine the number of bedrooms for which the OWTS is rated. The maximum occupancy may be further limited by the parking requirements of subsection 510.8(B).

(B) If determined necessary by the Building Official, additional parking shall be provided in accordance with the instructions of the Building Department.

510.9. Owner's obligations.

(A) All short-term rental agreements shall have as an attachment a copy of the applicable short-term rental permit for the premises. The rental agreement shall state that the renter may be held legally responsible for any violations of law committed by the renter or by other occupants or guests while at the premises, including violations of the laws and ordinances pertaining to noise, disorderly conduct, disturbance of the peace, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits.

(B) The owner or local representative shall obtain accurate and up-to-date information, including the names, home addresses and phone numbers of the renters, the date of the rental period and, when practicable, the model, year, color and vehicle

registration of all motor vehicles registered to or used by such renters. The owner shall maintain this information throughout the term of the short-term rental agreement and for one hundred eighty (180) days thereafter; and shall make this information available to City officials who are lawfully investigating or prosecuting any offense reasonably believed to involve one or more of the renters. Failure of the record owner to maintain or provide this required information shall constitute a violation of this subsection.

510.10. Posting of notice. The record owner or local representative shall post in plain view, in a conspicuous place within the rental dwelling unit, a notice to be drafted by the Planning Department and available at the office of the Building Official, containing general information regarding certain City Ordinances with which tenants must comply. The record owner or any person in control or possession of said rental dwelling unit subject to the provisions of this subsection shall cause the registration form and permit required by this subsection to be posted or affixed to the inside of the primary access door to said dwelling unit so as to allow the lease and registration form to be readily available for inspection by police, zoning, building, or property maintenance officials of the City of Warwick. Additionally, the record owner, local representative or any person in control or possession of said rental dwelling unit must post a copy of the short-term rental permit on the interior of the dwelling unit, which shall contain the twenty-four hour emergency contact information for the owner and the maximum occupancy for the dwelling unit, as determined by the Building Official.

510.11. Enforcement; penalty for violation; revocation of permit.

- (A) Violations of this subsection shall be enforceable through issuance of a summons by any Zoning Enforcement Official of the City. Violations and citations shall be heard and adjudicated by the Warwick Municipal Court.
- (B) Any violation of the provisions of this subsection shall be subject to a fine of not more than five hundred dollars (\$500) per day for each and any subsequent violation. Fines may be imposed for each day the violation continues.
- (C) The Zoning Enforcement Official may revoke a short-term rental permit issued under this subsection if it is determined, by a violator's admission or a Municipal Court finding of a violation, that two (2) or more violations of this subsection have occurred for the same property, and no new permit shall be issued to the property owner for the same property for a period of twelve months following the revocation. Any revocation of a short-term rental permit may be appealed to the Zoning Board of Review as an administrative appeal pursuant to the provisions of Sec. 906.4 of the Warwick Zoning Ordinance.

Section IV. This Ordinance shall take effect immediately upon passage and publication as prescribed by law.

SPONSORED BY: COUNCILMAN LADOUCEUR
COUNCILWOMAN TRAVIS

COMMITTEE: LAND USE